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**BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA**

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IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT)
NO. 72797-s76M BY GARY AND)
CATHERINE WINGFIELD AND JOHN AND)
MARILYN GAUTHIER)

ORDER

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All parties having agreed to the granting of Application for Beneficial Water Use Permit No. 72797-s76M subject to certain conditions expressed in a Stipulation signed by Objectors and a Notice and Statement of Opinion (Form 612) signed by Applicants, it is hereby

ORDERED that subject to the terms, conditions, and limitations specified below, Application for Beneficial Water Use Permit No. 72797-s76M is granted to Gary and Catherine Wingfield and John and Marilyn Gauthier to appropriate 20 gallons per minute of water from Houle Creek up to 2.00 acre-feet for domestic purposes and up to 0.01 acre-feet for stockwatering purposes. The means of diversion shall be an infiltration gallery in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 15 North, Range 21 West, Missoula County, Montana, more particularly described as Lot 36 of the Twin Lakes Subdivision. The period of Appropriation shall be from January 1 through December 31. The place of use shall be in the N $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, more particularly described as Lots 30 and 32 of the Twin Lakes Subdivision. The priority date of this appropriation shall be 11:30 a.m. October 17, 1989.

CASE # 72797

This permit is subject to the following conditions and limitations:

A. This permit is subject to all prior existing water rights in the source of supply. Further, this permit is subject to any final determination of existing water rights, as provided by Montana Law.

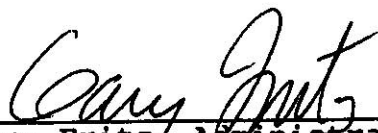
B. Permittee shall limit diversion and utilization under this permit to in-house domestic use and stockwater not to exceed one animal unit per household. Use of water for irrigation of lawn and garden is not permitted.


C. If at any time after this permit is issued, a written complaint is received by the Department of Natural Resources and Conservation alleging that diverting from this source is adversely affecting a prior water right, the Department may make a field investigation of the project. If during the field investigation the Department finds sufficient evidence supporting the allegation, it may conduct a hearing in the matter allowing the permittee to show cause why the permit should not be modified or revoked. The Department may modify or revoke the permit to protect existing rights or allow the permit to continue unchanged if the hearings officer determines that no existing water rights are being adversely affected.

D. Permittee shall keep a written record of the flow rate and volume of all waters diverted including the period of time, and shall submit said records to the Department of Natural Resources and Conservation upon request. This condition is being

applied to this permit until quantification through permit verification occurs.

Dated this 21 day of December, 1990.


Gary Fritz, Administrator
Department of Natural
Resources and Conservation
Water Resources Division
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6605


John E. Stults, Hearing Examiner
Department of Natural Resources
and Conservation
1520 East 6th Avenue
Helena, Montana 59620-23201
(406) 444-6612

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Order was duly served upon all parties of record at their address or addresses this 21st day of December, 1990, as follows:

Gary and Catherine Wingfield
19900 Lackman Loop
Frenchtown, MT 59834

John and Marilyn Gauthier
2807 Janel
North Pole, AK 99705

Claudette Sexton
20100 Lackman Loop
Frenchtown, MT 59834

Joseph Boyer, Jr.
18445 Mullan Rd. West
Frenchtown, MT 59834

Thomas R. Scheffer
Box 144
Huson, MT 59846

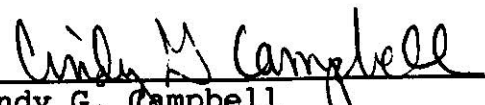
Larry and Karen Hunter
Box 188
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Donald K. and Diana Zuraff
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Henry J. Kramer
20205 Smokey Rd.
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Michael P. McLane, Manager
Missoula Water Resources
Division Field Office
P.O. Box 5004
Missoula, MT 59806


Cindy G. Campbell
Hearings Unit Secretary